



Planning Board Minutes – August 11, 2020

A meeting of the Town of Freetown **Planning Board** was held on **August 11, 2020** virtually over Zoom. **Present:** Chairman Keven Desmarais, James Frates, Debra Robbins, David Crose, and Robert Jose. **Absent:** Christopher Mello

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2020 DEC 16 PM 1:30

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Chairman Desmarais called the meeting to order at 4:15 pm.

Chairman Desmarais read the following statement: "Pursuant to Governor Baker's March 12th, 2020 Order Suspending Certain Provisions on the Open Meeting Law, G.L. chapter 30A, section 19, and the Governor's March 15th, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Freetown Planning Board is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort is being made to ensure that the public can adequately access the proceedings as provided for in the Order. A reminder that persons who would like to view this meeting while in progress may do so by accessing the Zoom meeting information listed on our meeting posting for this meeting. A recording of this meeting will be made available on the Town's YouTube channel, youtube.com/FreetownMA, or accessible by visiting freetownma.gov/FREECAM following the meeting."

Public Hearing- TJA Clean Energy LLC

Chairman Desmarais called the public hearing for TJA Clean Energy LLC back to order.

Chairman Desmarais entertained a motion to continue the site plan review public hearing for TJA Clean Energy LLC to 8/18/2020 at 4:15 pm over Zoom. Mr. Jose moved and Mr. Frates seconded. The motion passed unanimously.

Public Hearing- Michkev RE LLC

Chairman Desmarais called the public hearing for Michkev RE LLC back to order.

Chairman Desmarais entertained a motion to continue the site plan review public hearing for Michkev RE LLC to 8/18/2020 at 4:15 pm over Zoom. Mr. Jose moved and Mr. Frates seconded. The motion passed unanimously.

Public Hearing- High Street Farias Solar LLC

Chairman Desmarais called the public hearing for High Street Farias Solar LLC back to order. **Chairman Desmarais** informed everyone that the pdf files are available for all the projects being discussed are available on the Planning Board's page.

Chairman Desmarais said that at the last meeting the project had completed peer review and there were just a few outstanding items that needed to be fixed for tonight's hearing.

Steve Gioiosa, Sitec, said that there a couple small items that the Board asked to be added to the plan. Mr. Gioiosa said those changes have been made and a summary memo has been provided to the Board. Mr. Gioiosa explained the changes which were: note the northerly abutter's easement on plan, construction detail fencing on both North and South sides of access road, made a note about the

requirement for a pre-construction meeting, note that signage would be placed on High Street during construction which will state “that parking of construction vehicles is not permitted”, notes about construction hours and delivery hours were added, a parking area for construction employees has been noted on the plan, notes have been added for the material laydown areas for both phases, and a note has been added concerning dust control.

Chairman Desmarais asked members of the public if they had any questions, there was no response.

Mr. Jose asked what kind of fence will be along the access road. **Mr. Gioiosa** said the applicant would be willing to supplement the orange construction fence with a temporary chain-link fence.

Chairman Desmarais asked how far this array is from the road. **Mr. Gioiosa** said it is more than 1000 feet from the road and about 1000 feet from the nearest house.

Chairman Desmarais entertained a motion to make installation of a temporary 6ft metal construction fence a condition. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Mr. Jose made a motion to approve the plans dated July 29, 2020 that shows all the notes and condition that were discussed prior. **Ms. Robbins** seconded the motion. The motion passed unanimously.

Public Hearing – 76 Quanapoag Road Site Plan Review

Chairman Desmarais called the called public hearing back to order. **Dean Smith, Borrego**, said they made changes to their land use cover and stormwater modeling based off of EPG’s (Environmental Partners Group) review. **Mr. Smith** said that they raised the bottom elevation of some of the basins to be above the season high water mark.

Mr. Smith went through the review letter items that the Board had to make decisions on. The items were:

- Lack of name, address, contact information for system installer. **Mr. Smith** asked that they provide the final contact information for system installer when they apply for a building permit. **Chairman Desmarais** asked so what you are asking is for a condition of approval be that the contact information for the system installer is provided to the Planning Board prior to the issuance of a building permit. **Mr. Smith** said that was correct.
- Lack of interconnectivity agreement with the utility. **Zachary Farkes, Borrego**, said he is fine with making a condition that **Borrego** provide this agreement to the Planning Board prior to issuance of a building permit.
- Lack of final SWPPP (Stormwater Pollution Prevention Plan). **Mr. Smith** said he would like a condition of building permit issuance be that **Borrego** has to file with the EPA and provide a final draft of SWPPP 14 days prior to the start of construction.
- Recommendation of including an emergency overflow and riprap pad at the discharge pipe from Basin #4 as a condition of approval.

Chairman Desmarais asked **Scott Turner, EPG**, if there was anything outstanding that still needed to be resolved. **Mr. Turner** said all his issues have been resolved besides the recommendation of including an emergency overflow and riprap pad. **Chairman Desmarais** asked **Mr. Smith** if he was willing to include that on the plan and present that plan to the Board. **Mr. Smith** said he was willing to do that.

Chairman Desmarais asked if anyone from the public had any questions. There was no response.

Mr. Smith said additional buffer area was provided up front and a sheet was added to the drawing set showing safe approach from either side of Quanapoag road. Mr. Smith said that a note was added about school bus hours.

Chairman Desmarais said 7 AM – 5 PM works as construction and delivery hours. **Chairman Desmarais** said that the construction company for the solar project on Braley Road hired a police detail for 2 weeks to prevent deliveries from being made at night. **Chairman Desmarais** said that enforcing these conditions is the responsibility of the zoning enforcement official. **Chairman Desmarais** that standard conditions for solar going forward would be 7-5 deliveries and construction, no construction vehicles parked on the road, and the workers need to park on site. **Mr. Jose** agreed with the conditions. Mr. Smith said that the conditions would not be a problem. Mr. Smith said another note was added stating that when clearing operation starts clearing equipment has to be staged offsite prior to the start of clearing.

Chairman Desmarais asked Mr. Turner if this project has answered all your concerns. Mr. Turner said that was correct.

Chairman Desmarais entertained a motion to close the public hearing. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Chairman Desmarais entertained a motion to approve the site plan for 76 Quanapoag Road solar with the plan set revision date of August 7, 2020 with the condition that a revised detail sheet relative to the spillway and riprap pad to be located at DPad #4 be submitted to the Board along with the aforementioned conditions. **Mr. Jose** moved and **Ms. Robbins** seconded. The motion passed unanimously.

Chairman Desmarais said the Board can endorse the plan once they receive an email from Mr. Turner saying the detail sheet looks good.

Public Hearing – 45 Braley Road

Chairman Desmarais called the public hearing back to order.

Mr. Smith said a lot of the changes and items are the similar to the ones for 76 Quanapoag Road.

Mr. Smith said that the major issues have been resolved and went through the review letter items that the Board still had to make decisions on. The items were:

- Concerns about tree clearing being close to the wetlands. Mr. Smith said a recommended condition is close monitoring on the limit of clearing. **Chairman Desmarais** suggested that the condition be that once the areas in proximity to the wetland are staked that the civil engineering firm working with Borrego provide a narrative saying that work is only being done within the project limits.

- Mr. Smith said this is a Conservation Commission item but he wanted the Board to be aware that they increased the wetland replication to over 3:1. Mr. Smith asked that the Board condition a wetland scientist on site for construction of the wetland replication area. **Chairman Desmarais** said the Board can condition that.
- Lack of name, address, contact information for system installer. Mr. Smith asked that they provide the final contact information for the system installer when they apply for a building permit, just like for the 76 Quanapoag project. **Chairman Desmarais** said this condition, the SWPPP, and the interconnectivity agreement will all be required for submittal to the Planning Board prior to issuance of building permit.

Chairman Desmarais said he would also like to condition the 7 AM – 5 PM construction and delivery hours, no parking on the street, and proper signage. Mr. Smith said there should be no issues with those conditions.

Mr. Smith said that was it unless Mr. Turner had something else to add. Mr. Turner said that the biggest issues were groundwater and ground cover which have been addressed.

Chairman Desmarais asked if anyone from the public had any questions. There was no response.

Chairman Desmarais entertained a motion to close the public hearing. **Ms. Robbins** moved and **Mr. Frates** seconded. The motion passed unanimously.

Chairman Desmarais told Mr. Smith that if the Board has to add a note or something to the approval that it should at any point whether it's a Planning Board member, Zoning Enforcement official, Police, or Fire, if at any point what the Board approved is not working as well as we thought it might relative to construction entrance, signage, etc. Borrego may be asked to change it. **Chairman Desmarais** said that is how the Board is going to proceed with these solar arrays.

Chairman Desmarais entertained a motion that the Board approve this site plan dated August 10, 2020 with the aforementioned conditions. **Mr. Jose** moved and **Mr. Frates** seconded. The motion passed unanimously.

Discussion on Zoning Articles Submitted for the October Special Town Meeting

Chairman Desmarais said that the purpose of this Zoning Article would be to increase the vegetated buffer on solar projects based on the size of the project and to include a definition for vegetated buffer. **Chairman Desmarais** said that he and the Planning Technician went through the previously approved Solar Array projects and came up with these numbers.

Chairman Desmarais said the public hearing on this article will be September 1st.

Planning Board Member Robert Jose recused himself and left the meeting

Public Hearing – Residential Subdivision of Land, The Residences at the Assonet Inn

Chairman Desmarais called the public hearing back to order.

Nyles Zager, Zenith Engineering, approached the Board and said that they have received comments from EPG. Mr. Zager went through the 10 items that were mentioned in EPG's review letter. Those items were:

1. Mr. Zager said they are asking for a waiver from the requirement to install a concrete headwall at the outfalls of a drainage system and to instead install a flared end to a sediment forebay. **Chairman Desmarais** asked Mr. Turner why he took exception to this. Mr. Turner said it was only because it is inconsistent with the regulations. **Chairman Desmarais** said he doesn't take exception to this request. **Ms. Robbins** said she had no problem with granting the waiver.
2. Mr. Zager said they are asking for a waiver from the requirement to use RCP pipe and to instead use HDPE pipe. **Chairman Desmarais** asked if the HDPE pipe is equal to the RCP pipe. Mr. Zager said yes. Mr. Turner said he agrees as long as it is installed correctly. **Chairman Desmarais** said in order to grant this waiver then there has to be oversight from Zenith Engineering with a narrative saying the pipe was installed correctly. **Ms. Robbins** said she does not take exception to this waiver request.
3. Mr. Zager said they are asking for a waiver from the requirement to install a granite curb inlet adjacent to all catch basins and instead install a Cape Cod Berm. **Chairman Desmarais** said he takes no exception to this.
4. Mr. Zager said they are asking for a waiver to install a 20 ft gravel access road around the top of the infiltration basin and instead provide a 10 ft wide access along the entire infiltration basin. Mr. Zager said realistically no one will be driving around this infiltration basin. **Chairman Desmarais** said 10 feet will allow enough room for someone maintain the area around the basin. **Ms. Robbins** and **Mr. Frates** said they had no problem with this waiver.
5. Mr. Zager said they are asking for a waiver from 6:1 side slope and instead use a 3:1 side slope. **Chairman Desmarais** asked if this D pond will hold water under normal circumstances. Mr. Zager said that it correct and it drains very fast due to the soil being sandy. Mr. Turner said 3:1 is reasonable as long as it can be maintained. Mr. Zager said this only has a depth of 3 feet. **Chairman Desmarais, Mr. Frates, and Ms. Robbins** had no issue with this waiver request.
6. Mr. Zager said they are asking for a waiver from the requirement to provide 3 feet of cover over the HDPE pipe and instead provide 2 feet of cover. Mr. Turner asked what the minimum cover is in the specbook for a HDPE pipe. Mr. Zager said he believes it 2 feet. **Chairman Desmarais** said the minimum material and size of cover outlined by the manufacture have to be met.
7. Mr. Zager said this is not a waiver request but a comment regarding the requirement regarding safety features along sidewalks in close proximity to a 3:1 slope. Mr. Zager said it is there stance that there if over 10 ft in between the sidewalk and the slope. Mr. Zager said they feel they do not need to ask for a waiver because they feel that a 10 ft shoulder is more than enough. Mr. Turner said his thought was vegetative screening to act as a visual barrier. **Chairman Desmarais** asked if a couple trees could be planted there. Mr. Zager said he would have to speak with the applicants. **Chairman Desmarais** suggested putting 3 lengths of post and rail fence to mark the drainage area. **Mr. Frates** asked how much shrubbery would have to be put in. Mr. Zager said 70-80 feet.

Mr. Zager asked to step away and make a quick phone call to talk to his applicants

Chairman Desmarais asked if there was anyone from the general public who would like to say anything. There was no response.

7. (continued) Mr. Zager said he spoke with applicant and is amenable to putting up shrubbery.

Chairman Desmarais said a condition will be that a planting detail must be provided to the Planning Board.

8. Mr. Zager said they have revised the plan to move the driveway opening away from the catch basin.

9. Mr. Zager said they have provided the limits of the sediment forebay and the proposed infiltration basin. Mr. Turner say as long as its clear then that should be fine.

10. Mr. Zager said this is a comment saying that the project does not meet the requirements to be subject to the Massachusetts Stormwater Management Guidelines.

Chairman Desmarais asked if there was a list of waiver requests. Mr. Zager said the new set of plans has the list of waivers on them. Mr. Zager stated the only other waiver they are asking for is in Appendix A regarding the detail for the cross section of the road. Mr. Zager said they are just asking for a waiver from that and generalizing it and to just match what is currently on the plan. **Chairman Desmarais** said in addition to items 1-6 there are waiver requests for width of paved way, sidewalk on one side, and tree plantings.

Chairman Desmarais asked if anyone from the general public had any questions. There was no response.

Chairman Desmarais entertained a motion to close the public hearing. **Ms. Robbins** moved and **Mr. Frates** seconded. The motion passed unanimously.

Chairman Desmarais entertained a motion to grant the waivers 1-6 as outlined in Environmental Partner's Review letter in addition that the regulations relative to roadway cross-section, width of paved way, side walk, and tree plantings, as demonstrated on the plans, as requested. **Ms. Robbins** moved and **Mr. Frates** seconded. The motion passed unanimously.

Chairman Desmarais said that they have received comment from the Cemetery Commission that they have been provided permanent access from Water St to the gate of the Nichols Cemetery via the roadway and a property line.

Chairman Desmarais entertained a motion to approve the plan set revised July 29, 2020 for the Residential Subdivision of Plan, The Residences at the Assonet Inn with the aforementioned waiver requests. **Ms. Robbins** moved and **Mr. Frates** seconded. The motion passed unanimously.

Discussion on Zoning Articles Submitted for the October Special Town Meeting (revisited)

Chairman Desmarais stated that the intention of this by-law is to address the major complaint that the Board has received regarding solar arrays, lack of a visual buffer.

Chairman Desmarais said this is very rudimentary wording that can be changed during the public hearing process and at Town Meeting. **Chairman Desmarais** said the barriers scale with size of the array and it's a starting point.

Chairman Desmarais also mentioned that it was brought up in casual conversation that the Selectmen may be considering a moratorium on solar due to questions about taxing and how we can tax solar going forward. **Chairman Desmarais** said that the town has always been taxing full value.

Chairman Desmarais asked the Board members to review the proposed by-law and mark any changes they would like to see.

Ms. Robbins made a motion to adjourn. **Mr. Frates** seconded. The motion passed unanimously.

Respectfully Submitted,
C. Nils McKay